

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

DAVID R. VAN DE VLIERT,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 6:15-CV-00135
	§	
TAM INTERNATIONAL, INC.	§	PATENT CASE
	§	
Defendant.	§	JURY DEMANDED

COMPLAINT

Plaintiff David R. Van De Vliert (“Mr. Van De Vliert”) files this Complaint against TAM International, Inc. (“Defendant”), for infringement of U.S. Patent No. 8,474,525 (the “‘525 Patent”) and alleges:

PARTIES

1. David R. Van De Vliert is an individual and resident of Edmonton, Canada.
2. TAM International, Inc. is a corporation organized and existing under the laws of the State of Texas with a place of business at 4620 Southerland Road, Houston, Texas 77092.

JURISDICTION & VENUE

3. This is an action for patent infringement under the Patent Act, 35 U.S.C. § 1 *et seq.*
4. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 (Federal Question) and 1338 (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

5. This Court has personal jurisdiction over Defendant because Defendant resides in Texas and, upon information and belief, has committed acts of infringement in this judicial district.

6. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391(b) & (c) and 1400(b) because Defendant is deemed to reside in this district. In addition, and in the alternative, Defendant has committed acts of infringement in this district.

COUNT I
(INFRINGEMENT OF U.S. PATENT NO. 8,474,525)

7. Mr. Van De Vliert is the owner of the ‘525 Patent, which issued on July 2, 2013, and is titled “Geothermal Liner System With Packer.” A true and correct copy of the ‘525 Patent is attached hereto as Exhibit A.

8. The ‘525 Patent is valid and enforceable, and it was duly and legally issued in full compliance with Title 35 of the United States Code.

9. Defendant has infringed and continues to infringe the ‘525 Patent, both directly and indirectly. The infringing acts of Defendant include at least the manufacture, use, sale, lease and/or offer for sale or lease of “Swellable Packers.”

10. Defendant’s acts of infringement have caused damage to Mr. Van De Vliert and he is entitled to recover the damages. Defendant’s infringement of Mr. Van De Vliert’s rights under the ‘525 Patent will continue to damage Mr. Van De Vliert, causing irreparable harm, for which there is no adequate remedy at law, unless Defendant is enjoined by this Court.

PRAYER

WHEREFORE, Mr. Van De Vliert respectfully requests the Court to:

- A. Enter Judgment that one or more claims of the '525 Patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- B. Enter a preliminary and permanent injunction against continued patent infringement in such form as the Court deems just;
- C. Award Mr. Van De Vliert damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for use made of the invention, together with interest and costs as fixed by the Court;
- D. Declare this case to be exceptional under the patent laws and award Mr. Van De Vliert enhanced damages under 35 U.S.C. § 284; and attorney fees and costs under 35 U.S.C. § 285;
- E. Award Mr. Van De Vliert prejudgment interest and costs of this action; and
- F. Award Mr. Van De Vliert such other and further relief to which the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Mr. Van De Vliert, under Rule 38 of the Federal Rules of Civil Procedure, hereby demands a trial by jury on all issue so triable.

Respectfully submitted,

/s/Paul S. Beik

Paul S. Beik

Texas Bar No. 24054444

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